

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM
AGREEMENT GROUP,

Plaintiff,

V.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION
NO. 02-3830

ORDER

AND NOW, this _____ day of _____, 2005, upon consideration of Plaintiff Boarhead Farm Agreement Group's Motion To Compel Defendants Handy & Harman Tube Co., Merit Metals Corp., And NRM Investments To Respond To Plaintiff's Global Discovery Requests, and any response thereto, it is hereby ORDERED that this Motion is GRANTED. Handy & Harman Tube Co., Merit Metals Corp., and NRM Investments shall each provide answers to interrogatories and produce the documents identified in Plaintiff's Global Discovery Requests within 10 days of the entry of this Order.

BY THE COURT:

Legrome D. Davis, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM
AGREEMENT GROUP,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

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CIVIL ACTION
NO. 02-3830

**PLAINTIFF’S MOTION TO COMPEL DEFENDANTS
HANDY & HARMAN TUBE CO., MERIT METALS CORP.,
AND NRM INVESTMENTS TO RESPOND TO
PLAINTIFF’S GLOBAL DISCOVERY REQUESTS**

Plaintiff Boarhead Farm Agreement Group (“Plaintiff”) brings this motion pursuant to Federal Rule of Civil Procedure 37 to compel defendants Handy & Harman Tube Co., Merit Metals Corp., and NRM Investments to respond to Interrogatories And Requests For Production Of Documents Of Plaintiff Boarhead Farm Agreement Group Directed To Each Defendant (“Global Discovery Requests”). Plaintiff served its Global Discovery Requests on each of the defendants in this matter by first-class mail on January 6, 2005. A true and correct copy of the Global Discovery Requests is attached hereto as “Exhibit A.” Plaintiff’s Global Discovery Requests consist of three interrogatories, primarily regarding defendants’ affirmative defenses and the transportation of waste from various facilities, and three document requests.

Defendants’ answers to the Global Discovery Requests were due on February 8, 2005. On March 7, 2005, Plaintiff’s counsel, Glenn A. Harris, Esquire, sent an email to counsel for defendants stating that only two defendants had responded to the Global Discovery Requests

and inquiring as to the other defendants' intentions to respond. A true and correct copy of this email correspondence is attached as "Exhibit B."

As of the filing of this Motion on March 18, 2005, which is the current discovery deadline established by this Court, Plaintiff has received some form of response to its Global Discovery Requests from seven defendants: Advanced Environmental Technology Corp.; Ashland, Inc.; Flexible Circuits/FCG; Carpenter Technology Corp.; Rahns Specialty Metals, Inc.; Techalloy Corporation; and Thomas & Betts Corp. Plaintiff has not received any response to its Global Discovery Requests from defendants Handy & Harman Tube Co., Merit Metals Corp., and NRM Investments. The Global Discovery Requests are unobjectionable and reasonably calculated to lead to the discovery of admissible evidence. The failure to respond by these three defendants has prejudiced Plaintiff in being able to review relevant discovery and prepare its case for trial.

For the foregoing reasons, Plaintiff respectfully requests that the Court grant Plaintiff's Motion and enter the attached proposed form of Order.

Respectfully submitted,

Dated: March 18, 2005

By: _____
Glenn A. Harris, Esquire
Anne K. Heidel, Esquire
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Attorneys for Plaintiff Boarhead Farm
Agreement Group

DECLARATION PURSUANT TO RULE 26.1(f)

In accordance with Local Rule of Civil Procedure 26.1(f), Plaintiff's counsel certifies that it has conferred in good faith with counsel for Handy & Harman Tube Co., Merit Metals Corp., and NRM Investments in an effort resolve this matter without the Court's intervention.

Anne K. Heidel

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2005, Plaintiff's Motion To Compel Defendants Handy & Harman Tube Co., Merit Metals Corp., And NRM Investments To Respond To Plaintiff's Global Discovery Requests was filed electronically and is available for viewing and downloading from the Electronic Case Filing System of the United States District Court for the Eastern District of Pennsylvania. In addition, where electronic notice from the Court was not applicable, a true and correct copy was served via fax and first-class mail on the following:

Melissa Flax, Esquire
Carella, Byrne, Bain, Gilfillian, Cecchi, Stewart, & Olstein, P.C.
5 Becker Farm Road
Roseland, NJ 07068-1739
Counsel for Handy & Harman Tube Company

Anne K. Heidel